



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, FF

Introduction

The Application for Dispute Resolution filed by the Tenants seeks the following:

- a. A monetary order in the sum of \$35,000
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached.

Preliminary Determination:

The Application for Dispute Resolution filed by the Tenant(s) seeks a monetary order for \$35,000 pursuant to section 51(2) and 67 of the Act. The Application for Dispute Resolution named PH Ltd. Agent for the owner as the Respondent. At the time the Application for Dispute Resolution was filed the Applicants they did not know the name of the owner.

PH Ltd takes the position that at all material times the Applicant(s) knew that they were acting as agent for the owner and that the Applicants do not have a claim against them. Further, the owner terminated the agency contract with them at the end of June 2018.

I determined that it was necessary to the adjudication of this case on the merits that the owner be named as a respondent. With the consent of both parties it was agreed that the most expeditious way of dealing with this would be to dismiss this application with leave to re-apply. That would give the Applicant(s) an opportunity to file a new Application for Dispute Resolution naming the owner as a Respondent and PH Ltd. should they chose.

As a result I ordered the application dismissed with liberty to reapply. I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 30, 2018

Residential Tenancy Branch